

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

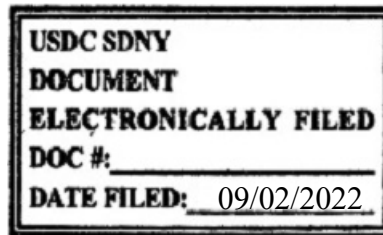
BAYNA LEHKIEM EL-AMIN,

Petitioner,

-against-

THE PEOPLE OF THE STATE OF NEW
YORK,

Respondent.



22-CV-1710 (ALC) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

The Court has received and reviewed a letter from inmate law clerk Phillip Nieves, dated August 23, 2022 (Dkt. 18), acknowledging that Nieves – not petitioner Bayna Lehkiem El-Amin – signed petitioner's name to the traverse (reply), dated August 17, 2022, filed on petitioner's behalf in this action. (Dkt. 17.) Nieves states that he did so, without petitioner's knowledge or consent, because "the traverse had to be submitted by August 19th" and Nieves was "having problems having Mr. El-Amin called to the law library to go over the traverse with me." Nieves adds that he was unaware until August 23, 2022 that this Court had granted an extension for the reply (*see* Dkt. 15), apologizes for his subterfuge, and asks that the forged reply be stricken so that a new one may be filed with petitioner's "full knowledge and consent."

It is hereby ORDERED that the reply now appearing at Dkt. 17 is STRICKEN from the record.

Petitioner and Nieves are reminded that a *habeas corpus* petitioner who is not represented by a licensed attorney must sign his own pleadings and briefs. *See* Fed. R. Civ. P. 11(a). Nieves is further reminded that forging a litigant's signature on documents filed with the Court is a crime, *see* N.Y. Penal Law §§ 170.10, 175.30, even if the forger's intent is to benefit a litigant at risk (or perceived risk) of missing a court deadline. The Court appreciates Nieves's prompt

acknowledgement of his misdeed, and will take no further action at this time, but will not tolerate any further misconduct affecting the docket of this action.

Petitioner El-Amin is directed to provide a copy of this Order to inmate law clerk Nieves.

Dated: New York, New York
September 2, 2022

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge